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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

CASE NO: _____
(Supplied by Clerk of this Court)

vs.
Roger E. Walker, Jr.; Jorge Montes;
Deswin L. Ryker,
(Warden, Superintendent, or authorized
person having custody of petitioner)

08CV4458
JUDGE MANNING
MAGISTRATE JUDGE DENLOW

(Fill in the following blank only if judgment
attacked imposes a sentence to commence in the
future)

ATTORNEY GENERAL OF THE STATE OF

Case Number of State Court Conviction:

(State where judgment entered)

#99CR3399-99CR3400

1. Name and location of court where conviction entered: petitioner does not challenge his conviction. He has completed his sentence and respondents refuse to release him.

2. Date of judgment of conviction: See Attached Memorandum of Law.

3. Offense(s) of which petitioner was convicted (list all counts with indictment numbers, if known)

4. Sentence(s) imposed:

5. What was your plea? (Check one) (A) Not guilty ()
(B) Guilty ()
(C) Nolo contendere ()

If you pleaded guilty to one count or indictment and not guilty to another count or indictment, give details:

PART I - TRIAL AND DIRECT REVIEW

1. Kind of trial: (Check one): Jury () Judge only ()
2. Did you testify at trial? YES () NO ()
3. Did you appeal from the conviction or the sentence imposed? YES () NO ()

(A) If you appealed, give the

(1) Name of court: _____

(2) Result: _____

(3) Date of ruling: _____

(4) Issues raised: _____

(B) If you did not appeal, explain briefly why not: _____

4. Did you appeal, or seek leave to appeal, to the highest state court? YES () NO ()

(A) If yes, give the

(1) Result: _____

(2) Date of ruling: _____

(3) Issues raised: _____

(B) If no, why not: _____

5. Did you petition the United States Supreme Court for a writ of *certiorari*? Yes () No ()

If yes, give (A) date of petition: _____ (B) date *certiorari* was denied: _____

PART II - COLLATERAL PROCEEDINGS

1. With respect to this conviction or sentence, have you filed a post-conviction petition in state court?

YES () NO ()

With respect to each post-conviction petition give the following information (use additional sheets if necessary):

A. Name of court: _____

B. Date of filing: _____

C. Issues raised: _____

D. Did you receive an evidentiary hearing on your petition? YES () NO ()

E. What was the court's ruling? _____

F. Date of court's ruling: _____

G. Did you appeal from the ruling on your petition? YES () NO ()

H. (a) If yes, (1) what was the result? _____

(2) date of decision: _____

(b) If no, explain briefly why not: _____

I. Did you appeal, or seek leave to appeal this decision to the highest state court?

YES () NO ()

(a) If yes, (1) what was the result? _____

(2) date of decision: _____

(b) If no, explain briefly why not: _____

2. With respect to this conviction or sentence, have you filed a petition in a state court using any other form of post-conviction procedure, such as *coram nobis* or habeas corpus? YES () NO ()

A. If yes, give the following information with respect to each proceeding (use separate sheets if necessary):

1. Nature of proceeding _____
2. Date petition filed _____
3. Ruling on the petition _____
3. Date of ruling _____
4. If you appealed, what was the ruling on appeal? _____
5. Date of ruling on appeal _____
6. If there was a further appeal, what was the ruling? _____
7. Date of ruling on appeal _____

3. With respect to this conviction or sentence, have you filed a previous petition for habeas corpus in federal court? YES () NO ()

A. If yes, give name of court, case title and case number: _____

B. Did the court rule on your petition? If so, state

(1) Ruling: _____

(2) Date: _____

4. WITH RESPECT TO THIS CONVICTION OR SENTENCE, ARE THERE LEGAL PROCEEDINGS PENDING IN ANY COURT, OTHER THAN THIS PETITION?

YES (X) NO ()

If yes, explain: Petitioner petitioned the Illinois Supreme Court for leave to

appeal dismissal of his mandamus complaint. However, that court is intentionally exploiting the exhaustion requirements of § 2254 through indefinite delay. See attached Memo of Law.

PART III - PETITIONER'S CLAIMS

1. State briefly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. You may attach additional pages stating additional grounds and supporting facts. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds later.

BEFORE PROCEEDING IN THE FEDERAL COURT, YOU MUST ORDINARILY FIRST EXHAUST YOUR STATE COURT REMEDIES WITH RESPECT TO EACH GROUND FOR RELIEF ASSERTED.

- (A) Ground one ~~State~~ Petitioner has Completely and Correctly Exhausted
Supporting facts (tell your story briefly without citing cases or law):

See Memo of Law

- (B) Ground two Petitioner is incarcerated in violation of Due Process
Supporting facts:

See Memo of Law

(C) Ground three Petitioner is incarcerated in violation of the Ex Post Facto Clause
Supporting facts:

See Memo of Law

(D) Ground four _____
Supporting facts:

2. Have all grounds raised in this petition been presented to the highest court having jurisdiction?

YES (X) NO ()

3. If you answered "NO" to question (16), state briefly what grounds were not so presented and why not:

PART IV - REPRESENTATION

Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (A) At preliminary hearing _____
 (B) At arraignment and plea _____
 (C) At trial _____
 (D) At sentencing _____
 (E) On appeal _____
 (F) In any post-conviction proceeding _____
 (G) Other (state): _____

PART V - FUTURE SENTENCE

Do you have any future sentence to serve following the sentence imposed by this conviction?

YES () NO (X)

Name and location of the court which imposed the sentence: _____

Date and length of sentence to be served in the future _____

WHEREFORE, petitioner prays that the court grant petitioner all relief to which he may be entitled in this proceeding.

Signed on: 7-27-08
 (Date)

 Signature of attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct.

[Signature]
 (Signature of petitioner)

K78239

(I.D. Number)

R.R. #2, Box 31, Sumner, IL 62466
 (Address)